



House of Representatives

General Assembly

File No. 265

January Session, 2003

House Bill No. 5034

House of Representatives, April 9, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT REQUIRING LAW ENFORCEMENT OFFICIALS TO CHECK
THE NATIONAL CRIME INFORMATION CENTER COMPUTER
SYSTEM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 54-63c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
5 which the court or a judge thereof has indicated that bail should be
6 denied or ordered that the officer or indifferent person making such
7 arrest shall, without undue delay, bring such person before the clerk or
8 assistant clerk of the superior court for the geographical area under
9 section 54-2a, when any person is arrested for a bailable offense, the
10 chief of police, or the chief's authorized designee, of the police
11 department having custody of the arrested person shall promptly
12 advise such person of the person's rights under section 54-1b, and of

13 the person's right to be interviewed concerning the terms and
14 conditions of release. Unless the arrested person waives or refuses
15 such interview, the police officer shall promptly interview the arrested
16 person to obtain information relevant to the terms and conditions of
17 the person's release from custody, and shall seek independent
18 verification of such information where necessary. At the request of the
19 arrested person, the person's counsel may be present during the
20 interview. After such a waiver, refusal or interview, the police officer
21 shall promptly order release of the arrested person upon the execution
22 of a written promise to appear or the posting of such bond as may be
23 set by the police officer, except that no condition of release set by the
24 court or a judge thereof may be modified by such officer and no person
25 shall be released upon the execution of a written promise to appear or
26 the posting of a bond without surety if the person is charged with the
27 commission of a family violence crime, as defined in section 46b-38a,
28 and in the commission of such crime the person used or threatened the
29 use of a firearm. When cash bail in excess of ten thousand dollars is
30 received for a detained person accused of a felony, where the
31 underlying facts and circumstances of the felony involve the use,
32 attempted use or threatened use of physical force against another
33 person, the police officer shall prepare a report that contains (1) the
34 name, address and taxpayer identification number of the accused
35 person, (2) the name, address and taxpayer identification number of
36 each person offering the cash bail, other than a person licensed as a
37 professional bondsman under chapter 533 or a surety bail bond agent
38 under chapter 700f, (3) the amount of cash received, and (4) the date
39 the cash was received. Not later than fifteen days after receipt of such
40 cash bail, the police officer shall file the report with the Department of
41 Revenue Services and mail a copy of the report to the state's attorney
42 for the judicial district in which the alleged offense was committed and
43 to each person offering the cash bail. No police officer shall set the
44 terms and conditions of a person's release, set a bond for a person or
45 release a person from custody under this subsection unless the police
46 officer has first checked the National Crime Information Center (NCIC)
47 computerized index of criminal justice information to determine if

48 such person is listed in such index. If the arrested person has not
49 posted bail, the police officer shall immediately notify a bail
50 commissioner.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Municipal Police Departments	None	None	None

Explanation

The bill requires local and state police officers to check the National Crime Information Center (NCIC) computer system before setting bond or releasing a person from custody. As this is current practice, passage of the bill would not result in any fiscal impact to the state or municipalities.

Law enforcement agencies currently have access to online state and federal law enforcement information (including NCIC) through the Connecticut On-Line Law Enforcement Communications Teleprocessing (COLLECT) system, which has been in operation for more than twenty years. Each law enforcement agency in the state has at least one COLLECT terminal. It is standard practice for police to obtain as much information as possible on persons in custody, including background checks through the NCIC.

OLR Bill Analysis

HB 5034

***AN ACT REQUIRING LAW ENFORCEMENT OFFICIALS TO CHECK
THE NATIONAL CRIME INFORMATION CENTER COMPUTER
SYSTEM*****SUMMARY:**

This bill requires police officers to check the National Crime Information Center (NCIC) computer index of criminal justice information before setting an arrested person's terms and conditions of release, setting bond, or releasing the person from custody.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***National Crime Information Center (NCIC)***

The NCIC system is a computer database of criminal justice information (criminal record histories and information on fugitives, stolen property, and missing persons) that federal, state, and local law enforcement and criminal justice agencies can access.

Terms and Conditions of Release or Bond

By law, when a person is taken into custody for a bailable offense and a court has not ordered otherwise, the police officer must interview him for information to determine the terms and conditions of release and attempt to verify the information. The officer may release the person (1) on a written promise to appear or (2) after posting bond in an amount the officer sets. If the person cannot post bail, the officer notifies the bail commissioner.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0